

**ORDINANCE NO. 07-91**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE II. ADMINISTRATION, DIVISION 2. NONCONFORMANCES, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION, HIALEAH CODE § 74-58 ENTITLED "ANNUAL RECERTIFICATION OF LEGAL NONCONFORMING BILLBOARDS" TO PROVIDE FOR ANNUAL RECERTIFICATION OF LEGAL NONCONFORMING BILLBOARDS WITHIN THE CITY TO DETERMINE COMPLIANCE WITH CODE REQUIREMENTS, INCLUDING STRUCTURAL, ELECTRICAL, ZONING AND FIRE INSPECTIONS, UPON PAYMENT OF ANNUAL FEE OF \$3,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of September 26, 2007 recommended approval of this ordinance; and

**WHEREAS**, the general purpose and intent of this ordinance is for the health, safety, welfare, aesthetics, order, and proper regulation and administration of the City of Hialeah and its residents to annually inspect and recertify aging billboards, many of which are 20 to 30 years old; and

**WHEREAS**, the specific purpose and intent of this ordinance is to provide compliance annual compliance review, inspection and recertification of 34 billboards that are located within the City, which are legally nonconforming uses since the construction of new billboards were prohibited in the City as of May 12, 1992.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 74 entitled "Signs", Article II. Administration, Division 2. Nonconformances, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by adding a new section, Hialeah Code § 74-58 entitled "Annual recertification of legal nonconforming billboards", to read as follows:

Chapter 74

**SIGNS**

\* \* \*

**ARTICLE II. ADMINISTRATION**

\* \* \*

**DIVISION 2. NONCONFORMANCES**

\* \* \*

**Sec. 74-58. Annual recertification of legal nonconforming billboards.**

On or before October 1, 2007 and each year thereafter, the city shall recertify a legal nonconforming billboard located within the geographic limits of the city upon application of the sign owner or authorized representative together with payment of an annual certification fee in the amount of \$3,000 and upon a determination that the billboard is in compliance with city code provisions, Florida building code and technical codes adopted by the city, after final inspection and approval by the building official. The sign owner shall obtain written permission from the property owner for city inspectors to enter private property to inspect the billboard at the time the application for recertification is submitted.

If a sign is not in compliance with the applicable codes, the city will provide a cure plan to correct the violations within a reasonable period of time. If the sign remains in noncompliance after the expiration of the curative time period, then the city shall revoke the annual sign permit in

addition to other remedies provided in the Code or by law. If a sign owner does not recertify the billboard as provided herein, the city may suspend or revoke all occupational licenses issued to the property address of the property owner in addition to other remedies provided in the Code or by law.

\*

\*

\*

**Section 2:     **Repeal of Ordinances in Conflict.****

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:     **Penalties.****

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4:     **Inclusion in Code.****

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

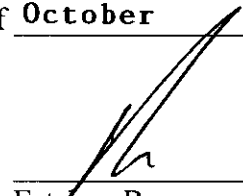
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

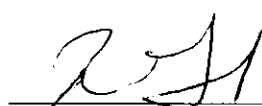
PASSED AND ADOPTED this 23<sup>rd</sup> day of October, 2007.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

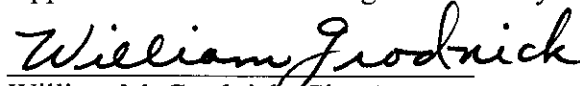
Attest:

Approved on this 21 day of Oct, 2007.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

s:\wmg\legis\ord-2007\recertificationnonconformingbillboards.doc

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".